



FILE COPY

April 17, 2013

Richardson Lynn, J.D.
President

Atlanta's John Marshall Law School

1422 West Peachtree Street, NW
Atlanta, GA 30309

UPS Next Day Air
1ZA5467Y0297049312

RE: Final Program Review Report
OPE ID: 03173300
PRCN: 201230427935

Dear Dean Lynn:

The U.S. Department of Education's (Department's) School Participation Division – Atlanta issued a program review report on August 14, 2012 covering Atlanta's John Marshall Law School's (AJMLS's) administration of programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et seq.* (Title IV, HEA programs), for the 2010-2011 and 2011-2012 award years. AJMLS's final response was received on April 12, 2013. A copy of the program review report (Appendix A) and AJMLS's response is attached (Appendix B). Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by AJMLS upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to: (1) identify liabilities resulting from the findings of this program review report, (2) provide instructions for payment of liabilities to the Department, (3) notify the institution of its right to appeal, and (4) to close the review.

The total liabilities due from the institution from this program review are \$1008. This FPRD contains detailed information about the liability determination for Findings 1 and 6.

Federal Student Aid

An OFFICE of the U.S. DEPARTMENT of EDUCATION
Atlanta School Participation Division

61 Forsyth St., SW, Room 18T40
Atlanta, GA 30303-8918

Protection of Personally Identifiable Information (PII):

Personally Identifiable Information (PII) is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the findings in the report do not contain any student PII. Instead, each finding references students by the Appendices attached to this report.

Appeal Procedures:

This constitutes the Department's FPRD with respect to the findings identified from the August 14, 2012 program review report. If AJMLS wishes to appeal to the Secretary for a review of monetary liabilities established by the FPRD, the institution must file a written request for an administrative hearing. The Department must receive the request no later than 45 days from the date of this FPRD. An original and four copies of the information AJMLS submits must be attached to the request. The request for an appeal must be sent to:

Ms. Mary E. Gust, Director
Administrative Actions and Appeals Service Group
U.S. Department of Education
Federal Student Aid/PC
830 First Street, NE - UCP3, Room 84F2
Washington, DC 20002-8019

AJMLS's appeal request must:

- (1) indicate the findings, issues and facts being disputed;
- (2) state the institution's position, together with pertinent facts and reasons supporting its position;
- (3) include all documentation it believes the Department should consider in support of the appeal. Any documents relative to the appeal that include PII data must be redacted except the student's name and last four digits of his / her social security number (please see the attached document, "Protection of Personally Identifiable Information," for instructions on how to mail "hard copy" records containing PII); and,
- (4) include a copy of the FPRD. The program review control number (PRCN) must also accompany the request for review.

If the appeal request is complete and timely, the Department will schedule an administrative hearing in accordance with § 487(b)(2) of the HEA, 20 U.S.C. § 1094(b)(2). The procedures followed with respect to AJMLS's appeal will be those provided in 34 C.F.R. Part 668, Subpart H. Interest on the appealed liabilities shall continue to accrue at the applicable value of funds

Atlanta's John Marshall Law School

OPE ID: 03173300

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rate, as established by the United States Department of Treasury, or if the liabilities are for refunds, at the interest rate set forth in the loan promissory note(s).

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24 (e)(1), (e)(2) and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Lisa Lancaster at (404) 974-9296. Questions relating to any appeal of the FPRD should be directed to the address noted in the Appeal Procedures section of this letter.

Sincerely,

(b)(6)

Charles Engstrom, Director
School Participation Division-Atlanta

cc: Felice Lane, Director of Financial Aid
American Bar Association

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically or on media (e.g., CD-ROM, floppy disk, DVD) must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using WinZip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

If applicable, hard copy files and media containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

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Prepared for
Atlanta's John Marshall Law School

OPE ID: 03173300
PRCN: 201230427935

Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Team - Atlanta

Final Program Review Determination
April 17, 2013

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Appendix A: Program Review Report

Appendix B: Institution's Responses to the Program Review Report

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Appendix D: EAL (Finding 6)

A. Institutional Information

Atlanta's John Marshall Law School
1422 West Peachtree Street, NW
Atlanta, GA 30309

Type: Private

Highest Level of Offering: Juris Doctor Degree

Accrediting Agency: American Bar Association

Current Student Enrollment: 740 (2011-2012)

% of Students Receiving Title IV: 92% (2011-2012)

Title IV Participation (Per Institution or EDCAPS-G5):

Program

Total Federal Direct Loan (FDL)	\$33,132,020
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Default Rate FFEL/DL:	2010	1.3%
	2009	1.5%
	2008	7.1%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Atlanta's John Marshall Law School (AJMLS) from June 11, 2012 through June 15, 2012. The review was conducted by Lisa Lancaster and Angelique James.

The focus of the review was to determine AJMLS's compliance with the statutes and Federal regulations as they pertain to the institution's administration of the Title IV programs. The review consisted of, but was not limited to, an examination of AJMLS's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 35 files was identified for review from the 2010-2011 and 2011-2012 (year to date) award years. The files were selected randomly from a statistical sample of the total population of students receiving Title IV, HEA program funds for each award year. Withdrawal calculations were examined for 12 additional students who withdrew from the institution during the 2011-2012 award year. Appendix A of the program review report listed the names and social security numbers of the students whose files were examined during the program review. Appendix B listed the names of the 2011-2012 files of withdrawn students reviewed.

Personally Identifiable Information (PII) is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the findings in the report do not contain any student PII. Instead, each finding references students by the Appendices attached to this report.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning AJMLS's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, the program review does not relieve AJMLS of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

C. Findings and Final Determinations

Resolved Findings

AJMLS has taken the corrective actions necessary to resolve Findings 3, 5 and 7 - 10 of the program review report. Therefore, these findings may be considered closed. Findings 1, 2, 4 and 6, requiring further action by AJMLS, are discussed below.

Findings with Final Determinations

The program review report findings requiring further action are summarized below. At the conclusion of each finding is a summary of AJMLS's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on August 14, 2012 is attached as **Appendix A**.

A copy of the institution's response is attached as **Appendix B**. Documents to support AJMLS's response (e.g., spreadsheets, revisions, corrections) will be furnished upon request.

Finding 1: Late Return of Title IV Funds (R2T4) for Withdrawn Students

Citation Summary: 34 C.F.R. § 668.22 of the Student Assistance General Provisions specifies the treatment of funds when a Title IV grant or loan recipient withdraws from an institution. If a Title IV recipient withdraws after beginning attendance, the percentage of Title IV funds earned by the student while enrolled must be determined.

An institution must return the amount of Title IV funds for which it is responsible as soon as possible but no later than 45 days after the date of determination that the student withdrew. The date of the institution's determination that the student withdrew is:

- For a student who provides notification to the institution of his or her withdrawal, the date the student began the withdrawal process; or,
- For a student who did not provide notification of his or her withdrawal, the date that the institution became aware that the student ceased attendance. An institution must make this determine for a student who withdraws without providing notification to the institution no later than 30 days after the end of the earlier of the—
 - Payment period or period of enrollment, as applicable;
 - The end of the academic year in which the student withdrew; or
 - The end of the student's educational program.

Additionally, 34 C.F.R. § 668.21 states that if an institution cannot document a student's attendance, the Secretary considers the student to have dropped out before the first day of

classes. If a student does not begin attendance in a payment period or period of enrollment, the institution must return all Title IV funds that were credited to the student's account at the institution or disbursed directly to the student for that payment period or period of enrollment. The institution must return those funds for which it is responsible to the respective program as soon as possible, but no later than 30 days after the date it becomes aware that the student will not or has not begun attendance.

Noncompliance Summary: The institution did not timely return funds to the applicable Title IV programs for three students in the sample who withdrew from the institution during the **2010-2011** award year. Specifically, student 2's withdrawal date was January 26, 2011 but the return of funds did not take place until January 11, 2012 (304 days late). On January 19, 2011, student 11 informed the institution she would not enroll in classes for the Spring 2011 term, yet, her loans were not returned to the Department until April 7, 2011 (47 days late). Also, the return of funds for student 18 was one year late.

Files tested in the **2011-2012** award year did not reveal late returns; however, supplemental documentation revealed the late return of funds for six students.

All students noted by this finding received Title IV Subsidized (Sub); Unsubsidized (Unsub) and/or Grad PLUS loans under the Federal Direct Loan (FDL) program.

The late return of funds results in students paying extra interest on their loans. It also results in additional expenses incurred by the Department.

Required Action Summary: This finding was noted in the audit report covering the period of August 1, 2010 through July 31, 2011. The institution responded appropriately to the audit finding and posted an irrevocable letter of credit (LOC) with the Department for the late returns as required by 34 C.F.R. § 668.173.

AJMLS's Response:

AJMLS reminded professors to timely report students who cease attendance. Additionally, the institution provided a copy of its internal R2T4 Policy as well as the R2T4 policy published for current and prospective students. (Please note that the revised 2012-2013 Financial Aid Award Terms and Conditions policy submitted in accordance with the school's resolution for this finding contains two areas in need of correction. Please defer to Finding 4 of this letter for further corrective action.)

Final Determination:

AJMLS's response provided an assurance that procedures with respect to students who withdraw from the institution will be adhered to by all parties involved.

The institution must reimburse **\$266** to the Department for the cost of funds on the late return of FDL funds. The *Cost of Funds* (COF) is the expense the Department incurred as a result of the institution retaining ineligible funds. The rate of interest is based on when the funds should have been returned to the Department. A copy of the COF calculation is attached as **Appendix C**.

AJMLS will also be notified under separate cover if the amount of the existing LOC on file is insufficient for the late return of funds for the 2011-2012 award year.

Please refer to the Payment Instructions section at the end of this letter for instructions regarding the repayment of interest.

Finding 2: Incorrect Title IV Loan Certification Procedures

Citation Summary: Institutions must follow certain guidelines when certifying and disbursing Title IV educational loans. For example, in order for a student to be eligible for Title IV loans, he or she must be enrolled, or accepted for enrollment, on at least a half-time basis. 34 C.F.R. § 685.200 of the Federal Direct Loan Provisions.

At a school that measures academic progress in credit hours and uses semesters, the minimum period of enrollment for which a school may originate a FDL is a single academic term (e.g., a semester). 34 C.F.R. § 685.301 (a)(10).

A school must disburse loan proceeds in substantially equal installments, and no installment may exceed one-half of the loan. 34 C.F.R. § 685.301 (b)(5).

Noncompliance Summary: AJMLS made errors in certifying and disbursing Graduate (Grad) PLUS loans for the following reasons—

Minimum period of enrollment not met:

Student 6: AJMLS originated and certified an \$8050 Grad PLUS loan with a (3-week) loan period of June 26, 2011 to July 22, 2011. The length of the loan failed to meet the required minimum length of one academic term.

Student 14: AJMLS originated and certified a \$5193 Grad PLUS loan for a 12-day period from December 26, 2010 to January 7, 2011. The length of the loan did not meet the required minimum length of one academic term. Further, the study abroad program was a 2-credit course which does not meet the requirement that a borrower be enrolled at least half-time.

Not substantially equal installments:

Student 1: AJMLS approved a \$37,155 Grad PLUS loan for the 2011-2012 academic year. Rather than disbursing the loan in two equal payments of \$18,578, the school disbursed \$15,801 for the Fall 2011 semester and \$21,354 for the Spring 2012 semester.

Student 9: AJMLS approved a \$36,850 Grad PLUS loan for the 2010-2011 academic year. Rather than disbursing the loan in two equal payments of \$18,425, the school disbursed \$18,897 (later adjusted to \$16,375) for the Fall 2010 semester and \$7,050 for the Spring 2011 semester.

Student 22: AJMLS approved a \$26,056 Grad PLUS loan for the 2011-2012 year. Rather than disbursing the loan in two equal payments of \$13,028, the school disbursed \$10,342 for the Fall 2011 semester and \$15,714 for the Spring 2012 semester.

Student 26: AJMLS approved a \$34,986 Grad PLUS loan for the 2011-2012 year. Rather than disbursing the loan in two equal payments of \$17,493, the school disbursed \$15,801 for the Fall 2011 semester and \$16,842 for the Spring 2012 semester.

School officials stated that the reason for making unequal loan disbursements was that each installment of the certified amount was "adjusted" for the students' cost of attendance (COA), based on his or her number of credits for the term. However, adjusting loan amounts conflicts with the requirement to disburse loan proceeds in substantially equal installments.

Required Action Summary: A term-based institution may only award and certify loans for terms that have been established.

The institution was required to correct its procedures to ensure that it only awards and certifies loans for established terms. Officials were also required to correct its procedures to disburse loan proceeds in substantially equal installments so that no installment exceeds one-half of the loan.

AJMLS's Response:

The response to this finding reported that due to its system, school officials were still considering options to best correct this finding. A correction is expected to be implemented for the 2013-2014 award year.

Final Determination:

AJMLS is reminded that regardless of the option it chooses, it may not certify a FDL for a student who is less than half-time, or, for less than an academic term. Additionally, the institution is required to disburse Title IV loan funds in equal disbursements. If a student wishes to decline the loan or receive a lesser amount, the school must reduce the loan amount as requested by the student. However, no disbursement may exceed one-half of the loan.

During the next non-Federal audit for the period ending July 31, 2013, the auditor must attest to the institution's compliance with respect to loan certification procedures.

Finding 4: Untimely Credit Balance Payments to Students

Citation Summary: 34 C.F.R. § 668.164 (d) and (e) state that an institution may use Title IV program funds to credit a student's account to satisfy current year charges for—

- Tuition and fees;
- Room and board, if the student contracts with the school for room and board; and
- With an authorization from the student or parent, other educationally related charges incurred by the student.

Title IV funds may also be used to pay educationally related expenses from the prior year as long as the charges do not exceed \$200 and the institution obtains a student's or parent's authorization (under 34 C.F.R. § 668.165 [b]) to use funds to pay these charges.

If current year Title IV funds credited to a student's account exceed the amount of current year tuition, fees, and other authorized charges, the institution must pay the resulting credit balance directly to the student or parent as soon as possible but no later than 14 days after the credit balance occurred if it occurred after the first day of class. If the credit balance occurred on or before the first day of class, it must be returned no later than 14 days after the first day of class.

Noncompliance Summary: Student account records indicated that credit balance funds were paid late to students 8 and 18.

Required Action Summary: The institution was required to correct its procedures to return Title IV credit balance funds to applicable students on a timely basis.

AJMLS's Response:

In response to this finding the school provided a copy of its Internal Cash Management Policy/Credit Balances Due to Title IV Funds policy. This written policy describes a

timeframe that is acceptable for returning Title IV credit balances. However, the 2012-2013 Financial Aid Award Terms and Conditions/Disbursement of Funds policy provided in response to this finding as well as Finding 1, contains a condition that conflicts with Subpart K — Cash Management of the Student Assistance General Provisions: AJMLS added a statement to its disbursement procedures (page 3). The revised policy says that *"All students who wish to receive a refund of any financial aid are required to submit a Loan Refund Request Form and a Direct Deposit Form to the Office of Student Accounts. Students who do not have this form on file with the Office of Student Accounts will not receive any credit balance refunds. Title IV funds received above the cost of tuition and fees will be returned to the lender."*

This procedure is not acceptable because the institution must pay a credit balance directly to the student (or parent, if applicable), not the student's lender.

In addition, the Disbursement of Funds procedures (also on page 3 of the 2012-2013 Financial Aid Award Terms and Conditions policy) states that *"Financial aid will actually credit the student's account"* once the student has completed a financial aid file; is enrolled at least half-time; and has followed instructions from the Terms and Conditions. However, this procedure does not provide for the separation of functions between authorizing and disbursing aid as required by 34 C.F.R. § 668.16.

Final Determination:

As stated above, a Title IV credit balance must be paid directly to a student. A school may pay a credit balance by initiating an electronic funds transfer (EFT) to a bank account designated by the student. Moreover, a school may establish a policy requiring its students to provide information about an existing bank account or open an account at a bank of the student's choosing as long as this policy does not delay the disbursement of credit balance funds to students. If a student does not comply with the school's policy, the school must nevertheless disburse the funds to the student either by dispensing cash, for which the school obtains a signed receipt, or issuing a check. An institution must disburse the credit balance within the regulatory time frame. An institution may not return Title IV credit balance funds to the lender without a student's permission, except in the case of an institution that loses contact with the student.

Effective immediately, AJMLS must correct its procedures to return Title IV credit balance funds directly to students (unless the student requests that funds be applied toward his or her loan balance in writing).

AJMLS must also clarify its procedures that allow for the separation of functions between authorizing payments and disbursing funds so that no one office has responsibility for both.

During the next non-Federal audit for the period ending July 31, 2013, the auditor must attest to the institution's compliance with respect to the regulations noted by this finding.

Finding 6: Unresolved Discrepant Applicant Data for Subsidized Loan Recipient

Citation Summary: An institution must establish procedures to request, receive, and verify applicant data for students selected by the Central Processing System (CPS) each award year. The purpose of verification is to ensure that Title IV funds are awarded to student applicants in the correct amount. (34 C.F.R. §§ 668.16 (f), 668.51 through 668.61, and the Department's Application and Verification Guide.) Students are selected for verification on the basis of application edits specified by the Secretary. Supporting documentation obtained from the student (and parents or spouse) is compared to the information reported on the Institutional Student Information Record (ISIR). This documentation must be retained in the student's file as evidence that the verification process was completed.

In addition to reviewing applications selected for verification by the CPS, a school must have an adequate internal system to identify conflicting information—regardless of the source and regardless of whether the student is selected for verification—that would affect a student's eligibility, such as information from the financial aid, admissions, or any other office. A school must resolve all such conflicting information, except when a student dies during the award year.

Noncompliance Summary: The program review report noted that discrepant data was not resolved for two students prior to AJMLS disbursing Title IV funds to their accounts. Student 9 received an \$8500 Sub loan for the 2010-2011 award year and student 20 received an \$8500 Sub loan for the 2011-2012 year.

Required Action Summary: The institution was required to obtain the proper applicant information and recalculate the Expected Family Contribution (EFC) for both students.

AJMLS's Response:

The response reported that its financial aid personnel will review ISIRs for missing data flags on a weekly basis while processing loans. Students will be notified immediately of the required documentation needed to continue processing.

AJMLS officials were not able to obtain the applicants' data in order to recalculate the EFC for both students, therefore the Sub loans are considered to be ineligible. However, the Department has asserted a liability not for the loan amounts, but rather for the estimated actual or potential loss that the government may incur with respect to the ineligible loans. The estimated actual loss (EAL) to the Department that has resulted or will result from the ineligible loans is based on the most recent sector default rate

available for institutions (4-year+ institutions). The EAL liability for this finding is \$742; a copy of the EAL calculation is attached as **Appendix D**.

Please refer to the below Payment Instructions for instructions regarding repayment of these funds.

D. Summary of Liabilities

The total amount calculated as liabilities from the findings in the program review determination is as follows:

Liabilities	
Finding 1 - COF	\$ 266
Finding 6 - EAL	\$ 742
Total	\$1008

E. Payment Instructions

Liabilities Owed to the Department

AJMLS must return **\$1008** to the Department. This payment must be made by forwarding a check made payable to the "U.S. Department of Education" to the following address within **45** days of the date of this letter:

U.S. Department of Education
P.O. Box 979026
St. Louis, MO 63197-9000

Remit checks only. Do not send correspondence to this address. **Payment must be made via check and sent to the above Post Office Box. Payment and/or adjustments made via GAPS/G5 will not be accepted as payment of this liability.**

The following identification data must be provided with the payment:

Amount: \$1,008.00
DUNS: 133365494
TIN: 200209197
PRCN: 201230427935

Terms of Payment

As a result of this final determination, the Department has created a receivable for this liability and payment must be received by the Department within **45 days** of the date of this letter. If payment is not received within the **45-day** period, interest will accrue in

monthly increments from the date of this determination, on the amounts owed to the Department, at the current value of funds rate in effect as established by the Treasury Department, until the date of receipt of the payment. AJMLS is also responsible for repaying any interest that accrues. If you have any questions regarding interest accruals or payment credits, contact the Department's Accounts Receivable Group at (202) 245-8080 and ask to speak to AJMLS's account representative.

If full payment cannot be made within **45** days of the date of this letter, contact the Department's Accounts Receivable Group to apply for a payment plan. Interest charges and other conditions apply. Written request may be sent to:

U.S. Department of Education
OCFO Financial Management Operations
Accounts Receivable Group
550 12th Street, S.W., Room 6111
Washington, DC 20202-4461
Attn: Cindy Dixon, Acting Supervisor, Accounts Receivable Group

If within **45** days of the date of this letter, AJMLS has neither made payment in accordance with these instructions nor entered into an arrangement to repay the liability under terms satisfactory to the Department, the Department intends to collect the amount due and payable by administrative offset against payments due the institution from the Federal Government. AJMLS may object to the collection by offset only by challenging the existence or amount of the debt. To challenge the debt AJMLS must timely appeal this determination under the procedures described in the "Appeal Procedures" section of the cover letter. The Department will use those procedures to consider any objection to offset. **No separate appeal opportunity will be provided.** If a timely appeal is filed, the Department will defer offset until completion of the appeal, unless the Department determines that offset is necessary as provided at 34 C.F.R. § 30.28. This debt may also be referred to the Department of the Treasury for further action as authorized by the Debt Collection Improvement Act of 1996.